



Servic

Administration

Washington, DC 20405

Yonnie

Honorable George Bush
President of the Senate
Washington, DC 20510

Dear Mr. President:

Transmitted herewith for referral to the appropriate committees is a draft bill prepared by the General Services Administration (GSA) "To amend chapter 29 of title 44, United States Code, to clarify authorities for determination of record status and adequacy of documentation."

The proposed bill provides that the Administrator of General Services will consult with the Archivist of the United States and the head of the creating Federal agency to determine whether a document, recording, or other item created or received by the agency in the course of conducting its business is a record. The bill also provides for inspection of agency files by the Archivist of the United States or his designee in order to ensure that items are properly classified as records or non-record materials and that the agency is creating and maintaining appropriate documentation of its programs.

The authority of the Administrator to determine whether an item is a record is closely associated with his other records responsibilities in chapters 21, 29, and 33 of title 44—to assist agencies with all aspects of their records management programs, to authorize disposal of records no longer needed for agency business that do not have other values warranting their continued preservation; and to accession those records determined by the Archivist of the United States to be permanently valuable. The creating agency also has a direct interest in this determination, as well as the necessary program knowledge to assist the Administrator in making the determination.

Inspection of agency files will be made in accordance with procedures negotiated between the agency and GSA's National Archives and Records Service (NARS). NARS employees engaged in the inspection will be required to have any necessary national security clearance and to abide by the same restrictions governing privacy or confidentiality of the records that apply to the agency's employees.

The bill also provides a mechanism for resolving disagreements between GSA and the agency regarding the determination of record status and/or inspection procedures. When a dispute occurs, the matter will be referred to the Office of Management and Budget for a binding decision.

The Office of Management and Budget has advised that, from the standpoint of the Administration's program, there is no objection to the submission of the proposed legislation to Congress.

Sincerely,

Enclosure